SERVED: October 5, 1995

NTSB Order No. EA-4395

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD at its office in Washington, D.C. on the 1st day of October, 1995

DAVID R. HINSON,
Administrator,

Federal Aviation Administration,

Complainant,

v.

LARRY E. HELMS,

Respondent.

Docket SE-13942

ORDER DISMISSING APPEAL

The Administrator has filed a motion to dismiss respondent's appeal from the oral initial decision of Chief Administrative Law Judge William E. Fowler, Jr., rendered at the conclusion of an evidentiary hearing held on May 10, 1995. No answer to the motion has been received.

The record establishes that respondent filed a timely notice of appeal. However, the respondent has failed to file an appeal brief and, therefore, his appeal is subject to dismissal under

¹The law judge affirmed an order of the Administrator alleging that respondent violated section 91.13(a) of the Federal Aviation Regulations ("FAR," 14 CFR Part 91) and suspending his Airline Transport Pilot Certificate Number 252843564 for 30 days.

²In a letter dated June 30, 1995 respondent advised the

Section 821.48(a) of the Board's Rules of Practice.³ 49 CFR 821.

ACCORDINGLY, IT IS ORDERED THAT:

- 1. The Administrator's motion to dismiss is granted, and
- 2. The respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT and GOGLIA, Members of the Board, concurred in the above order.

(...continued)

Board that he would provide additional eyewitness testimony regarding a mechanical fault in the aircraft and would show that the <u>Lindstam</u> doctrine requirements were not met in this case. As of this date, no further correspondence has been received from respondent.

³Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.